# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/895,562 | 06/29/2001 | Hubert Crepy | FR920000064US1 | 6930 |

| | | |
|---|---|---|
| 24852 | 7590 | 07/02/2004 |

INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
555 BAILEY AVENUE , J46/G4
SAN JOSE, CA 95141

| EXAMINER |
|---|
| SHERALI, ISHRAT I |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2621 | |

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | | Applicant(s) |
|---|---|---|---|
| **Office Action Summary** | 09/895,562 | | CREPY |
| | **Examiner** | | **Art Unit** | |
| | Sherali Ishrat | | 2621 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.          2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-6,10-15 and 19-26_ is/are rejected.

7) ☒ Claim(s) _7-9,16-18 and 27-29_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _3_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

# DETAILED ACTION

## Claim Rejections - 35 USC § 101

1.      35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.      Claim 20 is rejected under 35 USC 101.

Regarding claim 20, claim recites on lines 1-2, "software code portions for performing method according to claim 1". Claiming software code portions for performing method according to claim 1 is non-statutory. Claim should recite similar limitation as recited in claim 21.

## Claim Rejections - 35 USC § 102

3.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.      Claims 1-6, 10-15, and 19-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmitt et al. (US 5,062,143).

Regarding claim 1, 10 and 21, Schmitt discloses dividing the corpus of document into portions (See Schmitt, col. 3, lines 24-25, figure 3, block 301, Schmitt shows parsing text which is same as dividing the corpus of document into portions);

determining for each portion of corpus of the document a regularity value

measuring the conformity of the portion with respect to characteristics sequence of

probabilities predetermined for language (See Schmitt, col. 3, lines 26-32, Schmitt

shows "if the percentage of the parsed trigrams in the body of the text for which copies

are in a respective key set is at least equal to preselected value based on a previously

conducted probability of occurrence determination then the language of that key set is

chosen as one possible language in which body of text is written", Schmitt shows each

of portion of document [parsed text] measuring the conformity [ percentage of the

parsed document] of the portion with respect to characteristics sequence of

probabilities predetermined for language),

comparing each regularity value with threshold to decide whether the conformity

is sufficient (See Schmitt, col. 3, lines 26-29, Schmitt shows "if the percentage

[regularity value] of the parsed trigrams in the body of the text for which copies are in a

respective key set is at least equal to preselected value corresponds to comparing each

regularity value with threshold to decide whether the conformity is sufficient); and

rejecting any portion of the corpus of document whose conformity is not

sufficient (See Schmitt, col. 3, lines 26-29, Schmitt shows "if the percentage [regularity

value] of the parsed trigrams in the body of the text for which copies are in a respective

key set is at least equal to preselected value" therefore if the percentage [regularity

value] of the parsed trigrams in the body of the text for which copies are in a respective

key set is below preselected value then the body of text will be rejected).

Regarding claims 2, 11 and 22, Schmitt discloses character sequence probability is derived from statistical model representative of language (See Schmitt, percentage [statistical] of the parsed trigrams in the body of the text for which copies are in a respective key set is at least equal to preselected value based on a previously conducted probability of occurrence determination corresponds to character sequence probability is derived from statistical model representative of language ).

Regarding claims 3, 12 and 23, Schmitt discloses regularity value is computed perplexity of the portion with respect to statistical model (See Schmitt, percentage [statistical/perplexity, regularity value] of the parsed trigrams in the body of the text for which copies are in a respective key set is at least equal to preselected value based on a previously conducted probability of occurrence determination).

Regarding claims 4, 13 and 24, Schmitt discloses model is previously elaborated from reference document conforming with rules of the language (See Schmitt, col. 3, lines 16-18, Schmitt shows library of key set of all languages which corresponds to the model [key set of all languages] is previously elaborated from reference document conforming with rules of the language ).

Regarding claims 5, 14 and 25, Schmitt discloses model is determined based on N-gram statistics (See Schmitt, col. 3, lines 16-19, library of trigrams and col. 3, lines 30-31 and trigrams are compared using probability of occurrence which corresponds to N-gram statistics).

Regarding claims 6, 15 and 26, Schmitt discloses model is determined based on N-gram model (See Schmitt, col. 3, lines 16-19, library of trigrams and col. 3, lines

30-31 and trigrams are compared using probability of occurrence which corresponds to

N-gram model).

Regarding claim 19-20, Schmitt discloses computer system and software

code (See Schmitt, figure 1, blocks 20 and 30 shows encoding digitizer and memory

processing unit, encoding digitizer and memory/ processing show Schmitt system

contains computer system and software code for performing the processing)

## Allowable Subject Matter

5.      Claims 7-9, 16-18 and 27-29 are objected as being dependent on rejected base

claim but would be allowable if rewritten in independent form including limitation of the

base claim and any intervening claims.

## Communication

6.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sherali Ishrat whose telephone number is 703-308-

9589. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Leo Boudreau can be reached on 703-305-4706. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

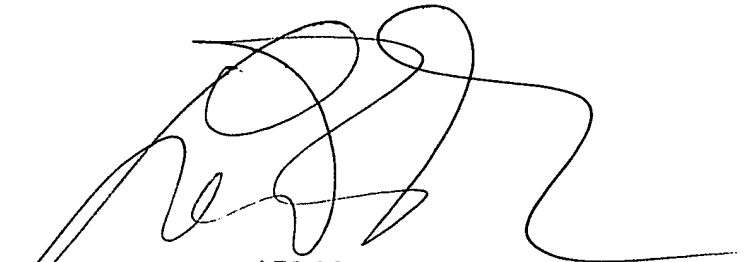Business Center (EBC) at 866-217-9197 (toll-free).

Ishrat Sherali

Patent Examiner

Group Art Unit 2621

June 26, 2004

LEO BOUDREAU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600